

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Subsection 362,  
Title 14, California Code of Regulations (CCR)  
Re: Nelson Bighorn Sheep

- I. Date of Initial Statement of Reasons: December 15, 2009
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: February 4, 2010  
Location: Sacramento
- (b) Discussion Hearings: Date: March 3, 2010  
Location: Ontario
- Date: April 8, 2010  
Location: Monterey
- (c) Adoption Hearing: Date: April 21, 2010 (Teleconference)  
Location: Sacramento

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

This proposed regulatory action initially provides for the number of tags for bighorn sheep hunting. Existing regulations specify the number of bighorn sheep hunting tags for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, tag quotas for hunts need to be adjusted periodically. Final tag quotas for each zone will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

Ranges are necessary with this Initial Statement because final quotas for cannot be determined until survey data are analyzed. Surveys and analyses are scheduled for completion by February 2010. Final tag quotas will allow for a biologically appropriate harvest of bighorn sheep. Unfortunately, administrative procedures and the Fish and Game Code

require the Fish and Game Commission to receive proposed changes to existing regulations prior to the time that all surveys are completed, thus necessitating a range of numbers.

Section 4902 of the Fish and Game Code specifies that the Commission may allow the take of no more than 15 percent of the mature Nelson bighorn rams estimated in the hunt areas in a single year, based on annual population surveys conducted by the Department. To comply with Section 4902 and meet the objectives of the approved management plans for each unit, the proposed distribution of tags is as follows:

<b>HUNT ZONE</b>	<b>2009 Tag allocation</b>	<b>2010 Tag allocation (proposed)</b>
Zone 1 - Marble/Clipper Mountains	4	3-5
Zone 2 - Kelso Peak/Old Dad Mountains	6	4-6
Zone 3 - Clark/Kingston Mountain Ranges	2	1-3
Zone 4 - Orocopia Mountains	0	1-2
Zone 5 - San Gorgonio Wilderness	1	1-2
Zone 6 - Sheep Hole Mountains	1	1-3
Zone 7 – White Mountains	3	3-4
Open Zone Fund-raising Tag	2	0-1
Marble/Clipper/Sheep Hole Mountains Fund-raising Tag	-	0-1
Kelso Peak/Old Dad Mountains Fund-raising Tag	-	0-1
<b>TOTAL</b>	<b>19</b>	<b>14-28</b>

The proposed harvest is biologically conservative by design to ensure that not more than 15 percent of the mature rams in any zone are taken. The Department's research indicates that aerial surveys do not detect all mature rams present. Results of the survey and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

## 2. Number of Fund-raising Tags

This proposed regulatory action provides for tags to be designated as fund-raising tags to raise revenue for bighorn sheep management projects. Existing regulations specify that 15 percent of the tags can be designated as fund-raising tags. In order to maintain a proper distribution of hunting tags in accordance with management goals and objectives, fund-raising tags may need to be designated for specific hunt zones.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 1050, 3950, and 4902, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2005 Final Environmental Document Regarding Bighorn Sheep Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted a public scoping session in Sacramento on November 18, 2009. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

No alternatives were identified. Bighorn sheep license tag quotas must be changed periodically in response to a variety of biological and environmental conditions.

2. Number of Fund-raising Tags

No alternatives were identified. Bighorn sheep fund-raising tag numbers must be changed periodically in response to a variety of biological and environmental conditions.

(b) No Change Alternative:

1. Number of Tags

The no-change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities while maintaining bighorn sheep populations within desired population objectives. Retaining the current tag quota for each zone may not be responsive to biologically-based changes in the status of various herds.

Management plans specify desired percentage harvest levels on an annual basis. The no-change alternative would not allow for adjustment of tag quotas in response to changing environmental/biological conditions.

2. Number of Fund-raising Tags

The no-change alternative was considered and rejected because it would not attain project objectives of providing for hunting opportunities, and ensuring proper distribution of the hunting effort. The no-change alternative would not allow for the adjustment of numbers of fund-raising tags in response to changing environmental/biological conditions, would limit optimizing program revenue, and would not distribute hunter harvest to ensure that no more than 15 percent of the mature rams are harvested in each zone

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The 2005 Draft Environmental Document Regarding Bighorn Sheep Hunting discloses the proposed action and potential impacts related to that action.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

**INFORMATIVE DIGEST  
(Policy Statement Overview)**

Existing regulations provide for the number of bighorn sheep hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocations for most hunt zones pending final tag quota determinations based on survey results that should be completed by February of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3-5
Zone 2 - Kelso Peak/Old Dad Mountains	4-6
Zone 3 - Clark/Kingston Mountain Ranges	1-3
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Gorgonio Wilderness	1-2
Zone 6 - Sheep Hole Mountains	1-3
Zone 7 - White Mountains	3-4
Open Zone Fund-Raising Tag	0-1
Marble/Clipper/Sheep Hole Mountains Fund-Raising Tag	0-1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1
<b>TOTAL</b>	<b>14-28</b>

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2009 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.